



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2504952
Applicant Name: David Wu for Solaymang Moly
Address of Proposal: 4818 South Myrtle Street

SUMMARY OF PROPOSED ACTION

Master Use Permit for future construction of a three story mixed use building with three residential units on the upper two floors and retail use at the ground floor level. Accessory parking for six vehicles will be located in the rear on a hard surface parking pad. The site is located in an environmentally critical area.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

* A limited ECA exemption (#2403843) was granted on June 23, 2004.

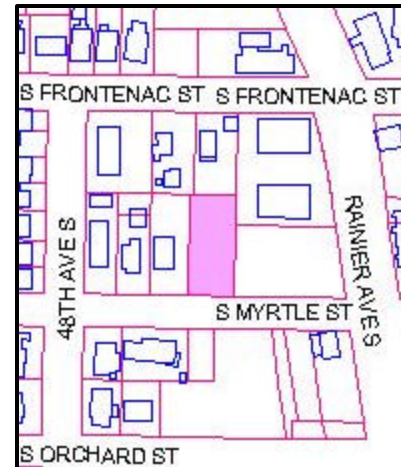
** Early Notice DNS published July 7, 2005

BACKGROUND DATA

Site & Area Description

The development site is rectangular in shaped (approximately, 70' X 153') that has frontage alone the north side of South Myrtle Street, between Rainier Avenue South to the east and 48th

Avenue South to the west, in the Rainier Valley neighborhood. The development site encompasses a land area of approximately 10,712 square feet in a Neighborhood Commercial Three zone with a Forty foot height limit (NC3-40) and is within a residential Single Family 5000 zone (SF 5000). The subject site is defined as a spilt zoned lot, with a narrow portion (approximately the west 5 feet) within the SF 5000 zone and the remainder within the NC3-40 zone. The site is also located within an Environmentally Critical Areas (ECA) Steep Slope that runs the length of the subject site. A limited ECA exemption, #2403843, was granted prior to the submittal of this proposal. The documentation presented for the exemption demonstrated that the slope running along the northern portion of the property was created by previous grading activities. And that the remainder of the area appeared less than 20 feet and was not a part of a larger steep slope system. However, all other ECA Submittal, General, and Landslide-Hazard, and applicable development standards will still apply for this development site provided in SMC Chapter 25.09.



The site is currently vacant with modest vegetation that includes ground cover and several trees. The lot slopes significantly downward along west property line to its northeast corner. The abutting lot to the east is also a vacant lot. The rest of the abutting lots contain residential uses including apartments to the northeast and single family residences to the north and west. Zoning in the immediate vicinity remains NC3-40, along the Rainier Avenue South corridor, supporting a number of uses including apartments, restaurants, automotive repair, and retail. To the west, five feet from the west property line the zone changes to SF 5000 with older styled structures. South Myrtle Street is not a through street, a pedestrian sidewalk that includes stairs on grade provide the only through connection. The lower level street features a turn-around bulb that terminates at the subject lot's mid-point. The area between the turn-around bulbs is vegetated.

Development in the vicinity is predominantly residential uses with a number of commercial uses located within a narrow zoning band surrounding Rainier Avenue South. The SF 5000 zoned area contains moderately sized one and two-story homes in this section of the Rainier Valley. This neighborhood has a suburban-like feel with its open street, mix of housing stock and moderately sized mature trees and scrubs.

Proposal Description:

The applicant proposes to construct a three-story mixed use structure with ground level commercial use and three residential units within two stories above. The residential units will be styled on a townhouse design concept. The building will be oriented along the north south axis with six accessory surface parking stalls located in the rear. The west portion of the site within the SF 5000 zone will be landscaped to provide additional buffer for the abutting residential uses.

Public Comment:

Date of Notice of Application:	July 7, 2005
Date End of Comment Period:	July 20, 2005

Letters 0

Issues: No comment letters were received for this project.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (dated May 16, 2005) and annotated by the Land Use Planner. The information in the checklist, and the supplemental information (including SEPA checklist addendum) submitted by the applicant and the experience of the lead agency, with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation” subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction workers’ vehicles. Existing City codes and ordinances applicable to the project such as: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code, would mitigate several construction-related impacts. Following is an analysis of the air, water quality, streets, parking, drainage and construction-related noise impacts as well as mitigation.

The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) would be adequately controlled with a street use permit through the Transportation Department, and no further SEPA conditioning would be needed.

Construction traffic would moderately increase congestion in the area for a limit period of time, and then decrease to modest levels associated with delivery and removal of construction materials and debris. The area has adequate street access to accommodate any increased traffic. Additional traffic will be generated by construction workers to the site all told the impacts will not result in significant congestion in the area.

Construction of the project is proposed to last for several months. Parking utilization along streets in the vicinity is moderate and the demand for parking by construction workers during

construction is not anticipated to reduce the supply of available parking in the vicinity. Parking demand for construction personal can be accommodated at the development site and any spillover can be managed within the South Myrtle Street right-of-way and nearby streets.

Therefore, no further mitigation for traffic and parking related impacts during construction is warranted pursuant to SEPA policies.

The development site is located adjacent to a residential area where construction of this scale would impact the noise levels. The SEPA Noise Policy (Section 25.05.675B SMC) lists mitigation measures for construction noise impacts. It is the department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is necessary to mitigate impacts that would result from the proposal on surrounding properties, because existing City ordinances do not adequately mitigate such impacts. This is due to the density of residential units in the area and the proximity of these structures to the subject site. The proposal is, therefore, conditioned to limit construction activity to non-holiday weekday hours between 7:30 A.M. and 6:00 P.M. After the structure are enclosed, interior construction may be done in compliance with the noise ordinance. The department may modify this condition to allow work of an emergency nature or which cannot otherwise be accomplished during these hours by prior written approval of the Land Use Planner.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist, which warrant additional mitigation, per the SEPA Overview Policy.

The following temporary or construction-related impacts are expected: decreased air quality due to increased dust and other suspended air particulates during construction; potential soil erosion during grading, excavation and general site work; increased runoff; tracking of mud onto adjacent streets by construction vehicles; increased demand on traffic and parking from construction equipment and personnel; conflict with normal pedestrian movement adjacent to the site; increased noise; and consumption of renewable and non-renewable resources. Due to the temporary nature and limited scope of these impacts, they are not considered significant (SMC Section 25.05.794). Although not significant, these impacts are adverse.

Three Solutions prepared a Tree Evaluation Report documenting conditions at the development site. Of the number of trees evaluated at and near the subject site a Western Red Cedar (Tree #3) was identified at the subject lot's southwest corner should be saved, if feasible. The survey should be updated to detail the location of all trees identified in the evaluation of trees report with protective area located for the Western Red Cedar.

There are no short term impacts identified with the creation of short unit lot subdivisions. Short term impacts are associated with the construction of the structures and have been analyzed and discussed with no further conditioning is warranted.

Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased surface water runoff from greater site coverage by increased impervious surfaces; increased bulk and scale on the site; increased traffic and parking demand due to residents and visitors; minor increase in airborne emissions resulting from additional traffic; increases in ambient noise due to increased human activity; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not expected to be significant.

The expected long-term impacts are typical of a moderate sized residential and commercial development projects and are expected to be mitigated by the City's adopted codes and/or ordinances (together with fulfillment of other City Department requirements). Specifically these are: the Stormwater, Grading and Drainage Control Ordinance (storm water runoff from additional site coverage by impervious surface); the Land Use Code (height, setbacks, parking); and the Seattle Energy Code (long-term energy consumption). Specific impacts to the geological hazard areas would be mitigated by compliance with conditions set forth in accordance with the ECAs Ordinance (conditional use and exception) analyses and conditions imposed above. Non-typical impacts associated with the clustering configuration have been adequately mitigated pursuant to the ECA conditional use authority.

Other impacts not noted here as mitigated by codes or conditions (earth/soils, increased ambient noise, increased traffic, increased demand on public services and utilities, increased airborne emissions, increased light and glare, loss of vegetation) are not sufficiently adverse to warrant further mitigation by condition.

There are no long term impacts identified with the creation of short unit lot subdivisions. Long term impacts have been analyzed and discussed above with no further conditioning warranted.

DECISION - SEPA

This decision was made after review by the responsible official, on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - SEPA

The owner(s) and/or responsible party(s) shall:

Prior to issuance of any permit to grade or construct:

1. Revise the survey to include trees identified in the tree evaluation report, Tree Solutions, Inc. (November 7, 2005) and illustrate protective area. .

During Construction:

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

The owner(s) and/or responsible party(s) shall:

2. The hours of exterior construction shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. Limited work on weekdays between 6:00 p.m. and 8:00 p.m. and on Saturdays between 9:00 a.m. and 6:00 p.m. may be allowed if prior approval is obtained from the Land Use Planner at DPD. Such after hours work could include emergency construction necessitated by safety or street use concerns, or work which would substantially shorten the overall construction timeframe. Application for approval for such work shall be made at least two working days prior to the date of the activity.

Signature: _____ (signature on file) Date: January 26, 2006
Bradley Wilburn, Land Use Planner
Department of Planning and Development

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